

MINUTES

CITY COUNCIL MEETING

SEPTEMBER 23, 2003

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:32 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR RAUCH.

PLEDGE OF ALLEGIANCE

MAYOR RAUCH led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Rauch, Seamans, Zuckerman

City Staff Present: City Manager Doug Prichard

City Attorney Stephen Pfahler

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Finance Director Jud Norrell

Administrative Analyst Greg Grammer

Others Present: Sheri Clewis, Park and Activities Commission

Andy Rein, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF SEPTEMBER 9, 2003

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE CITY COUNCIL MINUTES OF SEPTEMBER 9, 2003 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. DEMANDS AND WARRANTS – MONTH OF SEPTEMBER

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 34326 THROUGH 34393 FOR A GRAND TOTAL AMOUNT OF \$249,917.16 with proper audit.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

CONSENT CALENDAR

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ITEMS A-F.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. AUGUST 2003 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. CLAIM AGAINST THE CITY – WALLACE

REJECTED.

D. CITY OF SEASIDE JPIA MEMBERSHIP APPLICATION

APPROVED THE CITY OF SEASIDE'S APPLICATION FOR MEMBERSHIP IN THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (JPIA).

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED SEPTEMBER 5, 2003

RECEIVED AND FILED.

F. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED SEPTEMBER 15, 2003

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. Adeline Yoong, Director of Governmental Affairs, Water Replenishment District of Southern California, provided a presentation explaining the process of how their agency manages groundwater replenishment, prevention of seawater intrusion, monitoring of groundwater quantity/quality, and groundwater contamination prevention and clean-up programs. She then encouraged anyone who is interested in taking a tour of the facilities to contact her.

At 7:49 p.m., the CITY COUNCIL convened in closed session. At 9:02 a.m. the CITY COUNCIL reconvened in open session with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS AND COUNCILMAN ZUCKERMAN in attendance.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to Government Code Section 54956.9(b)(1) there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

NO ACTION WAS TAKEN.

PUBLIC HEARINGS/MEETINGS

A. CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)

Recommendation: That the City Council: 1) Open the public hearing; 2) Take any public testimony; 3) Close the public hearing; 4) Authorize the continuation of the three CORE Deputies; and 5) Adopt Resolution No. 2032 establishing a reserve account for the COPS Program and making appropriations therefrom.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

No public testimony was offered.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

1. RESOLUTION NO. 2032 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A RESERVE ACCOUNT WITHIN THE GENERAL FUND FOR THE CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM AND MAKING APPROPRIATIONS THEREFROM.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2032.

COUCILMAN ZUCKERMAN read Resolution 2032 by title only.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

NEW BUSINESS

A. PARK AND ACTIVITIES COMMISSION MINUTES OF SEPTEMBER 16, 2003

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF SEPTEMBER 16, 2003.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

OLD BUSINESS

A. PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF SEPTEMBER 2, 2003 – GEORGE F CANYON NATURE CENTER BUDGET

Recommendation: That the City Council consider approving the listed recommendations in the staff report to resolve the George F Canyon Nature Center's budget shortfall in order to maintain current staffing and programming levels.

Community Services Director Clark provided a staff report (as per agenda material). He informed the COUNCIL that the Palos Verdes Peninsula Horsemen's Association has donated half of their City Celebration "Poker Ride" proceeds to the George F Canyon Nature Center.

COUNCILMAN ADDLEMAN inquired if the Los Angeles County Regional Park and Open Space District was willing to make up the deficit in their assumption that when each measure is passed, the City of Rolling Hills would automatically transfer its per parcel discretionary grant funds to the City which proved not to be true.

It was noted there was some confusion as to how the County made an incorrect assumption and how it affected the Nature Center's future funding.

Finance Director Norrell explained that the City not only funded the Naturalist and Assistant Naturalist, but also reimbursed the General Fund for a portion of the utilities and various costs that were budgeted out of the that fund.

COUNCILWOMAN SEAMANS suggested having the Nature Center Subcommittee review this matter and meet with the Palos Verdes Peninsula Land Conservancy to determine how to proceed.

MAYOR RAUCH reminded the COUNCIL that a request was made by the Land Conservancy for a Rolling Hills Estates representative to attend their board meetings.

Brief discussion ensued on revamping the subcommittee to include other conservation issues, i.e. revegetation of the Chandler Preserve. Both COUNCIL MEMBERS ADDLEMAN and SEAMANS volunteered to serve on this subcommittee, along with two Park and Activities Commissioners to be named at their future meeting.

MAYOR PRO TEM MITCHELL inquired if the Assistant Naturalist was necessary to run the Nature Center. Community Services Director Clark indicated that if the living exhibits were eliminated, the position would not be necessary.

It was the consensus of the COUNCIL

TO APPROVE COMBINING THE NATURE CENTER COMMITTEE WITH THE CHANDLER PRESERVATION COMMITTEE RENAMED AS THE CONSERVATION COMMITTEE AND APPOINT COUNCILMAN ADDLEMAN AND COUNCILWOMAN SEAMANS, ALONG WITH TWO PARK AND ACTIVITIES COMMISSIONERS, TO SERVE ON THIS COMMITTEE.

B. HOWLETT PARK ADA RESTROOM IMPROVEMENTS PROJECT BID RESULTS

Recommendation: That the City Council award the Ernie Howlett Park ADA Restrooms Renovation Project to Y&M Construction at a cost of \$58,450.

Community Services Director Clark provided a staff report (as per agenda material).

MAYOR PRO TEM MITCHELL noted her concern with the amount of bids submitted. Community Services Director Clark stated that notices were sent to the appropriate agencies, but projects under \$100,000 generally do not attract much interest.

Brief discussion ensued regarding concerns with V2C Group's performance in several other areas as well as how they administer various contracts.

COUNCIL MEMBERS ADDLEMAN and SEAMANS requested all information be included in the bids when they are submitted to the COUNCIL.

After brief discussion, COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO REJECT BID RESULTS AND DIRECT STAFF TO COME BACK WITH ANY ADDITIONAL

PROJECTS TO BE INCLUDED AS ONE AND READVERTISE AT THAT TIME AND SOLICIT BIDS FOR DESIGN AND CONTRACT ADMINISTRATION SERVICES AS WELL.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

C. STREET RESURFACING BIDS

Recommendation: That the City Council award the contract for the Fiscal Year 2003-04 Street Resurfacing Project to Excel Paving at a total cost of \$391,996.05 for the entire project and utilize \$120,000 of the Fiscal Year 2001-02 operating surplus in excess of the City's \$1,500,000 threshold.

Assistant City Manager Wise provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO AWARD THE CONTRACT FOR THE FISCAL YEAR 2003-04 STREET RESURFACING PROJECT TO EXCEL PAVING AT A TOTAL COST OF \$391,996.05 FOR THE ENTIRE PROJECT, AND UTILIZE \$120,000 OF THE FISCAL YEAR 2001-02 OPERATING SURPLUS IN EXCESS OF THE CITY'S \$1,500,000 THRESHOLD.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

D. PLANNING APPLICATION NO. PA-29-01; APPLICANT: ROLLING HILLS COVENANT CHURCH (RHCC); LOCATION: 2221/2222 PALOS VERDES DRIVE NORTH

Recommendation: That the City Council review and approve the working groups as recommended by MIG.

Planning Director Wahba provided a staff report (as per agenda material).

Vergil Best, Applicant, addressed the COUNCIL regarding consideration of Craig Huey's request to serve in the mediation process on behalf of Peninsula Residents for a Better Community and the proposed schedule recommended by MIG. He clarified that Mr. Huey was not speaking on behalf of the Church nor has he participated in any decision-making process.

Planning Director Wahba noted that Mr. Huey was interviewed at MIG's suggestion to be included as a proponent of the Church. Mr. Best then stated that, while Mr. Huey is not part of their team, this would not preclude him from supporting the project.

MAYOR PRO TEM MITCHELL commented that the Applicant should have one voice. City Attorney Pfahler noted his understanding that the mediation process was to include three representatives to support and oppose and only one voice speaking for each side. It was noted the Church should make that determination of whom they wish to participate.

Craig Knickerbocker, Applicant, also stated that Mr. Huey would speak for himself and that any comments he makes may cause confusion if they differ from the Church.

MAYOR PRO TEM MITCHELL reiterated that the Applicant should decide who the individual will be to serve as the third representative.

Mr. Best noted that he and Mr. Knickerbocker will be the designated representatives for the Church, although they have no objection to Mr. Huey's participation as long as they have the overriding decision on their project.

COUNCILWOMAN SEAMANS suggested the Applicant discuss this issue on their own and submit a letter to the City listing their choice for representation in the mediation process.

COUNCILMAN ZUCKERMAN commented that Mr. Huey would have an opportunity to speak when the final decision is to be made at a future public hearing.

Mr. Knickerbocker noted his concern with the proposed deadline dates. City Manager Prichard indicated that it is the City's intention to have everyone attend these meetings and schedules will be coordinated accordingly.

MAYOR PRO TEM MITCHELL suggested the working group members provide all available dates to meet.

It was the consensus of the COUNCIL

TO REQUEST THE APPLICANT TO SUBMIT A LETTER AS SOON AS POSSIBLE NAMING REPRESENTATIVES WHO WILL SERVE IN THE MEDIATION PROCESS ON THEIR BEHALF.

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR PRO TEM MITCHELL reported she attended the Annual League of California Cities Conference, along with COUNCILWOMAN SEAMANS, noting that the League has been vigorously coordinating a ballot initiative for 2004 to provide constitutional protection for local revenues.

Additionally, COUNCILWOMAN SEAMANS stated that the newly formed CITIPAC is a fund raising mechanism for this purpose. She noted it was her intention to attend that meeting scheduled for September 25, 2003

A. CONSIDERATION OF A RECOMMENDATION FROM THE PENINSULA REGIONAL LAW ENFORCEMENT COMMITTEE FOR HIGH TECHNOLOGY GRANT FUND (CLEEP) EXPENDITURES

Recommendation: That the City Council approve the recommendation by the Regional Law Enforcement Committee and authorize \$3,034.80 of CLEEP funds for this purpose.

Assistant City Manager Wise provided a staff report (as per agenda material).

Captain Jay Zuanich, Lomita Sheriff's Station, noted that this equipment will greatly enhance information on criminal and traffic activity.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO AUTHORIZE \$3,034.80 FOR THE HIGH TECHNOLOGY GRANT FUND (CLEEP).

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

B. APPOINTMENT OF COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) SUBCOMMITTEE

After brief discussion, it was the consensus of the COUNCIL

TO APPOINT COUNCIL MEMBERS ADDLEMAN and ZUCKERMAN to serve on the CAFR Subcommittee.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to

request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. COUNCILMAN ADDLEMAN distributed information to the COUNCIL relating to monetary issues with respect to discussion that took place on the proposed Deep Valley Drive Master Plan at the Joint City Council/Planning Commission meeting on September 15.

It was the consensus of the COUNCIL to process the three pending applications at this time.

COUNCILMAN ZUCKERMAN requested this item be agendized for the next meeting.

B. MAYOR RAUCH announced that the next Household Hazardous Waste is scheduled for November 15 at the Raytheon Corporation in El Segundo.

C. MAYOR RAUCH announced that, in coordination with the South Bay Energy Rewards Program, the City is giving away one free compact fluorescent bulb to each household and to contact City Hall with the Southern California Edison account number.

D. MAYOR RAUCH announced that the next Coordinating Council meeting featuring the Peninsula Mayors will take place on September 25 at the Peninsula Center Library.

E. MAYOR RAUCH noted that October 13-14 will begin the bulky item pick-up and to contact City Hall for further information.

F. COUNCILMAN ZUCKERMAN noted that the public comment period regarding the South Coast Air Quality Management District Title V Permit for Palos Verdes Landfill will begin September 26. For further information, contact Charles Tupac at 909-396-2684.

ADJOURNMENT

At 10:50 p.m., MAYOR RAUCH formally adjourned the City Council meeting to October 14, 2003.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Manager